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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,836	12/12/2003	Craig E. Sherrett	1-36953	1958
43935	7590	09/29/2005	EXAMINER	
FRASER MARTIN BUCHANAN MILLER LLC 132C WEST SECOND STREET PERRYSBURG, OH 43551-1401			A, PHI DIEU TRAN	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/734,836

**Applicant(s)**

SHERRETT ET AL.

**Examiner**

Phi D. A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/12/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-10, 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hood et al (5784853).

Hood et al shows an impact resistant glass structure comprising a generally planar glass first layer (12) having an outer edge, a generally planar impact resistant plastic second layer (16) spaced from and substantially parallel with the first layer, the second layer having an outer edge, a generally planar laminated glass third layer (18) spaced from and substantially parallel with the first and second layer, the third layer having an outer edge, a first spacer (20) disposed between the first layer and the second layer adjacent the respective outer edge thereof, a second spacer (24) disposed between the second layer and the third layer adjacent the outer edges thereof, the outer edge of the first, the second, and the third layer are adapted to be disposed in a window casing (inherently capable of being adapted to do so), a first sealant 944) disposed between the first layer, a second sealant disposed between the first layer, the second layer, and the third layer adjacent the respective outer edges thereof, at least one of the first and second sealant at least partially surround the first spacer and the second spacer, the second sealant being polyurethane sealant (col 6 line 37-38), a gas filled air space is formed between at least one of the first and second layer, the second and the third layer, the first layer being an annealed glass (tempered... col 4 line 36), the first layer having a low-E material deposited thereon(col 4 lines 29-36), the

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outer edge of the second layer being spaced inwardly from respective outer edges of the first and third layer (figure 1), the third layer being an annealed glass (col 4 line 36), the second layer, and the third layer adjacent the outer edges thereof, the second layer being polycarbonate (col 4 line 47), the second layer being polyethylene terephthalate (col 4 line 49).

3. Claims 1-2, 4-5, 7-8, 10-11, 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al (56108999).

Smith et al shows an impact resistant glass structure comprising a generally planar glass first layer (3) having an outer edge, a generally planar impact resistant plastic second layer (5) spaced from and substantially parallel with the first layer, the second layer having an outer edge, a generally planar laminated glass third layer (4) spaced from and substantially parallel with the first and second layer, the third layer having an outer edge, a first spacer (6, figure 2) disposed between the first layer and the second layer adjacent the respective outer edge thereof, a second spacer (6) disposed between the second layer and the third layer adjacent the outer edges thereof, the outer edge of the first, the second, and the third layer are adapted to be disposed in a window casing (inherently capable of being adapted to do so), a first sealant (7) disposed between the first layer, a second sealant disposed between the first layer, the second layer, and the third layer adjacent the respective outer edges thereof, at least one of the first and second sealant at least partially surround the first spacer and the second spacer, a gas filled air space is formed between at least one of the first and second layer, the second and the third layer, the first layer being an annealed glass, the outer edge of the second layer being spaced inwardly from respective outer edges of the first and third layer (figure 2), the third layer being an annealed glass, the second

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layer, and the third layer adjacent the outer edges thereof, the second layer being polycarbonate, the second layer being the second layer being a polymethyl methacrylate.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hood et al in view of France (6286288).

Hood et al shows all the claimed limitations except for the first sealant being a polyisobutylene sealant.

Hood et al further discloses any sealant that has good adhesion to all materials of construction, a curable, high modulus, low creep, low moisture vapor transmitting sealant is suitable for sealing the sheets.

France discloses polyisobutylene sealant as having an excellent moisture barrier properties (col 3 line 13-15).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Hood et al's structure to show the first sealant being a polyisobutylene sealant because polyisobutylene sealant has excellent moisture barrier properties as taught by France, and the excellent moisture barrier property is desired by Hood et al's disclosure.

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6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hood et al in view of Smith et al.

Hood et al shows all the claimed limitations except for the second layer being a polymethyl methacrylate

Smith et al discloses the second layer being a polymethyl methacrylate or polycarbonate.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Hood et al's structure to show the second layer being a polymethyl methacrylate because polymethyl methacrylate and polycarbonate are well known plastic for forming an impact resistant thermoplastic sheet in a multiple layer window as taught by Smith et al.

### ***Conclusion***

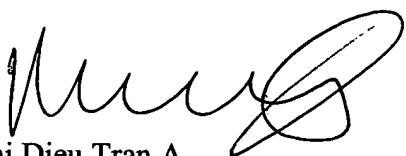
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different window designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Phi Dieu Tran A', with a large, stylized flourish at the end.

Phi Dieu Tran A

9/26/05